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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,505	03/16/2004	Sherif Safwat	2195CON2	3671

7590

02/28/2005

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EXAMINER

ARK, DARREN W

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 02/28/2005



Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,505

Applicant(s)

SAFWAT ET AL

Examiner

Darren W. Ark

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-77 is/are pending in the application. ☐
- 4a) Of the above claim(s) 60-66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-59 and 67-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/012,799.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/19/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

2. This application repeats a substantial portion of prior Application No. 10/012,799, filed 11/03/2001, and adds and claims additional disclosure not presented in the prior application. Since this application names an inventor or inventors named in the prior application, it may constitute a continuation-in-part of the prior application. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "mechanical connection couples the first product strand forming the first mesh bar to a second product strand forming a second mesh bar of the at least one mesh cell, the mechanical connection including a clamp which encloses at least the slide-resistant, sheathed portion of the first product strand..." (see claims 40 and 67; no illustration occurs for the use of a clamp to secure portions of a trawl which include a first product strand with a core strand enclosed within a sheath and a second strand) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "mechanical connection...includes a first loop formed at an end of the first product strand, the first loop formed by two segments of the first product strand that are secured to each other by the clamp (see claims 43 & 70, no loop is being shown in the figures as being used with the clamp to secure a first product strand including a core strand enclosed within a sheath) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "an end of the second product strand forming the second mesh bar includes a second loop, and wherein the second loop passes through the first loop" (see claims 44 and 71, none of the figures show a second loop which is formed at an end of the second product strand forming the second mesh bar and which passes through the first loop) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities: the "Detailed Description" or "Best Mode for Carrying Out the Invention" portion of the specification does not contain specific details with regard to a trawl comprising at least a portion of at least a first mesh bar including a first product strand having a core product strand enclosed by a sheath and a mechanical connection comprising a clamp which couples this first strand to a second product strand. It is not clear as to how this connection between the strands is made with the clamp. There are no descriptive details with regard to the structure of the clamp and how it operates. Also there are no descriptive details with regard to the first and second loops formed on the first product strand and second product strand.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 40-59, 67-77 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In regard to claims 40 and 67, the specification and figures fail to disclose how the trawl comprising at least a first mesh bar including a first strand having a core strand enclosed within a sheath which is coupled to a second product strand using a mechanical connection in the form of a clamp. Also there are no details pertaining to the structure and manner of operation of the clamp.

In regard to claims 43 and 70, the specification and figures fail to disclose how the trawl comprising a mechanical connection using a loop is not being disclosed for use with the clamp to secure a first product strand including a core strand enclosed within a sheath. Also see claims 44 and 71 for a similar problem with regard to the term "a second loop".

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 40-42, 54, 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheson 4,466,331 in view of Brocker 1,552,269.

Matheson discloses a plurality of mesh cells (see Fig. 1), at least one of the mesh cells including a first product strand having a core product strand (14c) enclosed within a sheath (14a, 14b, 14n, 15) that resists sliding along the core product strand (by virtue of twisting about core strand); a mechanical connection coupling the first strand to the a second strand forming a second mesh bar, the connection including a knot (12), but does not disclose a mechanical connection including a clamp which encloses the sheated portion of the first product strand. Brocker discloses the use of clamps (3, 4) to unite the threads of nets so that knots need not be formed and also for connecting thick thread which are not suitable for being knotted. It would have been obvious to a person of ordinary skill in the art at the time of the invention to substitute the clamps of Brocker for the knots of Matheson in order to provide means for uniting the mesh bars of the net without the need for tedious knotting to be done and also to accommodate large diameter or thick strands.

In regard to claim 41, Matheson discloses the sheath (14a, 14b, 14n, 15) including a plurality of product strands which both encircle (see Figs. 2-4) and have a

smaller diameter (see Figs. 2-4 wherein the filaments that make up strand 15 are smaller than 14c) than the core product strand.

11. Claims 40-42, 54, 55, 67-69, 72, 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Pat. No. 2000-262183 to Kumazawa in view of Brocker 1,552,269. (Note: The Examiner's applies the Kumazawa patent in light of Examiner's position that the present application is a continuation-in-part of prior application 10/012,799 and thus assumes a filing date of 3/16/04.)

Kumazawa discloses a trawl (1) with a plurality of mesh cells (see Figs. 1, 2), at least one of the mesh cells including a first product strand having a core product strand (2; core not being particularly claimed) enclosed within a sheath (3) that resists sliding along the core product strand (by virtue of twisting about core strand); a mechanical connection coupling the first strand to the a second strand forming a second mesh bar, there being an interconnection (see Figs. 1, 2), but does not disclose a mechanical connection including a clamp which encloses the sheathed portion of the first product strand. Brocker discloses the use of clamps (3, 4) to unite the threads of nets so that knots need not be formed and also for connecting thick thread which are not suitable for being knotted. It would have been obvious to a person of ordinary skill in the art at the time of the invention to substitute the clamps of Brocker for the connection of Kumazawa in order to provide means for uniting the mesh bars of the net which can accommodate large diameter or thick strands.


In regard to claims 41 and 68, Kumazwa discloses the sheath (3) including a plurality of product strands which both encircle (see Fig. 3) and have a smaller diameter

(see Fig. 3 wherein the filaments that make up strand 3 are smaller than 2) than the core product strand.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733 OR (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Darren W. Ark
Primary Examiner
Art Unit 3643

DWA